

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,  
Plaintiff,  
v.  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
Defendant.

Case No. 14-cr-00175-TEH-1

# **ORDER FOR PRETRIAL PREPARATION**

Good cause appearing, IT IS HEREBY ORDERED that:

**1. TRIAL DATE**

Trial before the **jury** will begin in Courtroom No. 2 on **Tuesday, March 8, 2016, at 9:00 AM**. If the Court advises counsel that they must be prepared to go to trial on a trailing basis, then the trial will begin as soon after the scheduled date as possible. The trial shall last for an estimated **two months**.

## 2. PRETRIAL CONFERENCE

The Court will hold a pretrial conference on **Monday, February 22, 2016, at 2:30 PM**. Counsel who intend to try the case must attend the pretrial conference.

### **3. PRETRIAL DOCUMENTS**

No later than **Monday, February 8, 2016**, the parties shall file:

a. A joint pretrial conference statement that addresses the issues enumerated in Criminal Local Rule 17.1-1(b), including any means for shortening and simplifying the trial – for example, by stipulating to such matters as chain of custody, nature of substances, use of the mails, etc. The statement shall include a list of all exhibits that the parties agree may be admitted into evidence, as well as a witness list that briefly summarizes the testimony of

1 each witness. The statement shall also include any objections to the listed witnesses or  
2 exhibits and shall certify that counsel have met and conferred regarding such objections.  
3 No party shall be permitted to call any witness or offer any exhibit in their case in chief that  
4 is not disclosed in the pretrial conference statement unless the Court grants leave for good  
5 cause shown, consistent with Defendant's right to an effective defense.

6 b. If trial is by jury, proposed voir dire questions to be asked by the Court. The  
7 parties shall indicate which questions are jointly requested and which are separately  
8 requested, with objections noted for all separately requested questions. The Court will  
9 review the proposed voir dire and may or may not ask all of the requested questions, even if  
10 jointly requested. The Court may or may not allow voir dire by counsel, but it is generally  
11 the Court's practice to allow counsel ten to fifteen minutes per side for voir dire after the  
12 Court has finished its voir dire.

13 c. If trial is by jury, a list of jointly and separately proposed jury instructions,  
14 with objections noted for all separately proposed instructions. Each proposed instruction  
15 must include pinpoint citations to supporting authority, and the parties shall use the Ninth  
16 Circuit Manual of Model Jury Instructions where possible. The proposed jury instructions  
17 must be accompanied by a declaration stating that the parties have met and conferred in  
18 good faith in an attempt to agree upon as many jury instructions as possible.

19 d. If trial is by jury, a jointly proposed verdict form or separately proposed  
20 verdict forms with objections noted.

21 Chambers copies of the proposed jury instructions and verdict forms must be  
22 submitted in paper and electronically in Word or Word Perfect format.

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1       4. **TRIAL MEMORANDA**

2       No later than **Monday, February 8, 2016**, the government shall file a trial  
3       memorandum that briefly states the legal bases for the charges and the anticipated evidence  
4       and addresses any evidentiary, procedural, or other anticipated legal issues. Consistent with  
5       Defendant's right to an effective defense, Defendant shall do the same.

6       7. **EXHIBITS**

8       Two sets of all exhibits to be offered at trial, together with a list of exhibits, shall be  
9       lodged (but not filed) with the Court no later than seven calendar days before the scheduled  
10      trial date. Exhibits must be placed in three-ring binders of no more than three inches each  
11      and must be pre-marked in accordance with the attached forms.

12      Copies of exhibits must be served on all parties by the same date.

13      Following the conclusion of the trial, all admitted exhibits will be filed by the Court.  
14      Exhibits not admitted will be returned to counsel.

15      6. **MOTIONS**

16      Pretrial motions except for motions in limine shall comply with the parties jointly  
17      proposed briefing schedule, Docket No. 59, as modified herein. Discovery motions shall be  
18      filed no later than April 27, 2015. Responsive briefs shall be due May 4, 2015. Reply  
19      briefs shall be due May 18, 2015. If any discovery motions are filed, they shall be heard on  
20      **Monday, June 1, 2015, at 2:30 PM.**

21      Non-discovery pretrial motions other than motions in limine shall be filed no later  
22      than September 7, 2015. Other than motions in limine, no further motions shall be filed  
23      after this deadline without leave of the Court. Responsive briefs shall be due September 21,  
24      2015. Reply briefs shall be due October 5, 2015. The last day to hear such motions will be  
25      **Monday, October 19, 2015, at 2:30 PM.**

26      If the parties determine that a hearing on any pretrial motion discussed above is  
27      likely to last longer than one hour, the parties shall jointly propose to reschedule the hearing

1 for 10:00 AM on the day for which the hearing was already scheduled.

2 Motions in limine shall be filed no later than January 4, 2016. All motions in limine  
3 shall be contained in one document, limited to twenty-five pages and prepared in  
4 accordance with Civil Local Rule 7-2(b), with each motion listed as a sub-heading.  
5 Responsive briefs shall be due by January 18, 2016, and shall also be contained in one  
6 document, limited to twenty-five pages and prepared in accordance with Civil Local Rule 7-  
7 3(a), with corresponding subheadings. Failure to file a timely opposition to any motion in  
8 limine will be deemed a statement of non-opposition. Reply briefs shall be due by February  
9 1, 2016, and shall also be contained in one document, limited to fifteen pages and prepared  
10 in accordance with Civil Local Rule 7-3(c). Motions in limine will be heard at the pretrial  
11 conference.

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13 **7. TRANSCRIPTS**

14 Arrangements must be made with the Courtroom Deputy at least fourteen calendar  
15 days before the scheduled trial date if the parties desire daily transcripts and/or realtime  
16 reporting.

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18 **8. CHANGE OF PLEA**

19 Counsel shall give prompt notice to the government and to the Court of any intention  
20 to change a previously entered not guilty plea.

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22 **IT IS SO ORDERED.**

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24 Dated: 3/11/2015

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26 THELTON E. HENDERSON  
27 United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. CR -

TEH

DATE:

\_\_\_\_\_ V. \_\_\_\_\_

## EXHIBIT LIST

( ) Government

( ) Defendant

1	Case No. _____ <b>GOVT</b> Exhibit No. _____ 1 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ A Date Admitted _____ Signature _____
2	Case No. _____ <b>GOVT</b> Exhibit No. _____ 2 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ B Date Admitted _____ Signature _____
3	Case No. _____ <b>GOVT</b> Exhibit No. _____ 3 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ C Date Admitted _____ Signature _____
4	Case No. _____ <b>GOVT</b> Exhibit No. _____ 4 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ D Date Admitted _____ Signature _____
5	Case No. _____ <b>GOVT</b> Exhibit No. _____ 5 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ E Date Admitted _____ Signature _____
6	Case No. _____ <b>GOVT</b> Exhibit No. _____ 6 Date Admitted _____ Signature _____	Case No. _____ <b>DEFT</b> Exhibit No. _____ F Date Admitted _____ Signature _____
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